

Remarks:

1. Objections and Rejections

Claims 4, 5, and 12 stand objected to as allegedly including informalities. Claims 1, 3, 11, and 12 stand rejected under 35 U.S.C. § 103(a), as allegedly being rendered obvious by U.S. Patent No. 5,993,070 to Tamekuni et al. ("Tamekuni") in view of U.S. Patent No. 5,367,594 to Essert et al. ("Essert"). Claim 4 stands rejected under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Tamekuni in view of Essert and further in view of U.S. Patent No. 4,548,630 to Biedka. Moreover, claims 5-8 and 10 stand rejected under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Tamekuni in view of Essert and further in view of Japanese Patent Publication No. JP 08-122575 to Yamashita. In addition, claim 9 stands rejected under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Tamekuni in view of Essert and Yamashita and further in view of Biedka. Applicants respectfully disagree.

2. Objections

Claims 4, 5, and 12 stand objected to as allegedly including informalities. Applicants have amended claims 4, 5, and 12 in accordance with the Examiner's suggestions merely to clarify the claimed invention. Therefore, Applicants respectfully request that the Examiner withdraw the objections to claims 4, 5, and 12.

3. 35 U.S.C. § 103(a)

Claims 1, 3, 11, and 12 stand rejected as allegedly being rendered obvious by Tamekuni in view of Essert; claim 4 stands rejected as allegedly being rendered obvious by

Tamekuni in view of Essert and further in view of Biedka; claims 5-8 and 10 stand rejected as allegedly being rendered obvious by Tamekuni in view of Essert and further in view of Yamashita; and claim 9 stands as allegedly being rendered obvious by Tamekuni in view of Essert and Yamashita and further in view of Biedka. In order to establish a *prima facie* case for obviousness, the Office Action must fulfill three (3) criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference as proposed by the Office Action. Second, there must be a reasonable expectation of success. Third, the prior art references must disclose or suggest all the claim limitations. MPEP 2143. In view of the foregoing amendments and the following remarks, Applicants maintain that the Office Action fails to establish a *prima facie* case of obviousness with respect to claims 1 and 3-12.

Applicants independent claims 1 and 12 describe (1) a fusion connection portion between the long fiber portion and the short fiber portion, which is held within the clamp portion; (2) that the short fiber portion has a higher breakage resistance than the long fiber portion; and (3) that the short fiber portion is bent in a connected state of the optical connector. The Office Action acknowledges that Tamekuni does not disclose or suggest fusion splicing to connect the longitudinal ends of the short portion of the fiber and the long portion of the fiber, in which the fusion connection portion is held within the clamp portion. Nevertheless, the Office Action asserts that Essert supplies this missing limitation, and that it would have been obvious to those of ordinary skill in the art at the time of the invention to modify Tamekuni to include a fusion connection portion between the long fiber portion and the short fiber portion, which is held within the clamp portion. The Office Action also asserts that it is obvious that the short

fiber portion has a higher breakage resistance and flexibility because the longer fiber the more strain is placed on the body of the fiber. Moreover, the Office Action asserts that the bending of the short fiber in the connection state is a natural tendency of the fiber under the clamped condition. Applicants respectfully disagree with the Examiner's assertions, and respectfully submit that the Examiner fails to establish a *prima facie* case of obviousness.

For example, citing to Column 6, Lines 44-51 of Essert, the Office Action asserts that Essert discloses or suggests a fusion connection portion between the long fiber portion and the short fiber portion, which is held within the clamp portion. The portion of Essert cited by the Office Action recites:

The **two half portions 22** are sonic welded or fused together along one side of the fiber channel 42 to form the splice body 12. **When the half portions 22 are so fused together**, the mirror image structures described above mate to form completed elements, similar in structure and function to those disclosed in the above structure and function to those disclosed in the above-referenced U.S. Pat. Nos. 5,121,456 and 5,134,678. Moreover, a tool channel 107, sufficient to accept the tool 26, is formed to the side of the fiber channel 42 opposite to the fused-together side, **for facilitating flexible partial separation of the half portions 22 for fiber insertion and/or removal**, as more fully described in the above-referenced co-pending applications.

Thus, Essert merely describes fusing together the two half portions of the **splicer housing**, and does not disclose or suggest a fusion connection portion between the long fiber portion and the short fiber portion, which is held within the clamp portion, as set forth in independent claims 1 and 12.

The Office Action also asserts that the bending of the short fiber in the connection state is a natural tendency of the fiber under the clamped condition. Nevertheless, Applicants

respectfully note that in Tamekuni, short fiber 2 is inserted inside a ferrule 1 and does not include any exposed portions, as set forth in independent claims 1 and 12. Because short fiber 2 is enclosed by ferrule 1, and does not include any exposed portions, short fiber 2 does not bend. Therefore, it is not necessary to make short fiber 2 with a higher breakage resistance than the long fiber, and those of ordinary skill in the art at the time of the invention would not have been motivated to modify short fiber 2 to achieve Applicants' claimed invention. Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claims 1 and 12.

Claims 3-11 depend from allowable, independent claim 1. "If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP 2143.03 (citations omitted). Therefore, Applicants respectfully request that the Examiner also withdraw the obviousness rejections of claim 3-11.

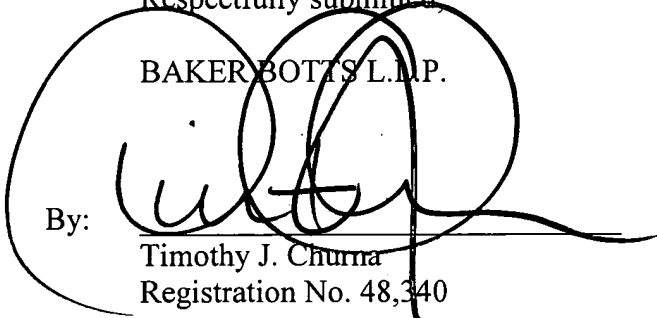
Conclusion:

Applicants respectfully submit that this application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicants' representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity. Applicants are enclosing a check in the amount of \$120.00 covering the requisite large entity fee for a one-month extension of time to respond. Nevertheless, in the event of any variance between the fees determined by Applicants and the fees determined by the U.S. Patent and Trademark Office, please charge or credit any such variance to the undersigned's Deposit Account No. 02-0375.

Respectfully submitted,

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Dated: May 16, 2006

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Enclosure